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Date:

DECEMBER 7, 2005

To:

EXAMINER GREEN, CHRISTY M.

U.S. PATENT AND TRADEMARK OFFICE

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FRANK C. NICHOLAS

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Client/Matter No.:

7780/16 (P-00303)

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(Date of Transmission

FRANK C NICHOLAS (33 983)

Name of applicant, assigner or representative

Signature

December 7 2005

Date of Signature

PATENT Case No. 7780/16 (P-00303)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:)
RODNEY E.NORWOOD) Examiner: Green, Christy Marie
Serial No.: 10/005,391)
Filed: DECEMBER 5, 2001) Group Art Unit: 3635
Title: MOBILE CELLULAR TELEPHONE TOWER	<u> </u>

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22202-1450

Dear Sir:

Applicant petitions for a ruling that this case is not in fact abandoned.

December 7, 2005

Case No.: 7780/16 (P-00303) Serial No.: 10/005,391

Page 2 of 2

The PTO issued a notice of abandonment dated November 29, 2005 indicating that Applicant did not timely pay the publication fee. However, Applicant did, in fact timely pay the publication fee.

Attached hereto is a copy (Exhibit A) of the transmittal form filed with the issue fee payment of September 27, 2005 indicating that the Commissioner was authorized to charge any fees which may be required to deposit account 50-1713. A duplicate copy of the sheet was also filed. A copy of the OIPE stamped transmittal form is also attached as Exhibit B, and the complete package filed on September 27, 2005 (including the 5 pages faxed to the PTO with the auto-reply facsimile transmission indicating 5 pages received) is attached as Exhibit C.

Therefore, Applicant did in fact timely authorize the Commissioner to charge the publication fee at the same time as the issue fee. Thus, the holding of abandonment is a PTO mistake.

Applicant requests a holding that this case is not abandoned, and has never been abandoned. Applicant requests that the case then proceed to issuance with all due haste.

Respectfully submitted,

Dated: December 7, 2005

CARDINAL LAW GROUP

Suite 2000

1603 Orrington Avenue Evanston, Illinois 60201

Phone: (847) 905-7111

Fax: (847) 905-7113

Frank C Nicholas

Registration No. 33,983 Attorney for Applicant

PTO SB25 (17-07), Authorities and all procupe diseases on against the control of 7780/16 (P-00303) Attorney Docket No. TRANSMITTAL RECEIVED 10/005,391 Application Number CENTRAL FAX CENTER FORM **DECEMBER 5, 2001** Fuing Date 2005 RODNEY E. NORWOOD First Named Inventor (to no used for all correspondence after mittal lung) 3635 Group Art Unit GREEN, C. M. Exammer ENCLOSURES (check all that apply) Appeal Communication to Board of Assignment Papers Amendment Appeals and Interferences Drawings: After Final Appeal Brief PART B - ISSUE FEE TRANSMITTAL 図 Afficiavits/declaration(\$) Petrion Routing Skp (PTQ/SB/69) and Proprietary Information П Accompanying Persion То Сопчет а Post Card Receipt Status Lener Provisional Application Additional Engiosure(s) Change of Correspondence Address Extension of Time Request (duplic) (please identify below): Express Abandonment Request Terminal Disclaimer Supplemental Information Disclosure Small Enlity Statement \Box Statement, PTO-1449, art Cerufied Copy of Phonty Document(s) Request of Refund П The Commissioner is hereby authorized to charge any fees which may be required, or Response to Missing Paris/ Incomplete credit any overpayment, to Deposit Account No. 50-1713 (Cardinal Law Group) A Application cupicate copy of this sheet is enclosed. I nereby petition under 37 CFR § 1.136(a) for any extension of time required to ensure 図 that this paper is timely filed. Please charge any associated fees which have not otherwise peen paid to Deposit Account No. 50-1713 (Cardinal Law Group) A duplicate copy of this sheet is enclosed. CALCULATION OF FEE Small Enuty Large Entity Highest No. Addl Add'I Present Previously Paul For Claims After Fee Fee Rate Extra Amendment x \$25= x \$50∓ Total Милыя x \$200= \$100= 0 0 Metus maep ▼ \$360= -\$180= First Presentation of Multiple Dep. Claim \$0 **\$** 0 total add1 fee cotat add'i fee SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT LESLIE B WILSON Registration No. 33,816 CARDINAL LAW GROUP individual náme 1603 Orangian Avenue, Suite 2000 Evansion, it 60201 Date September 27, 2005 Signature CERTIFICATE OF FACSIMILE t nereby certify that this correspondence is being transmitted via facsimile to (571) 273-2885 <u>September 27 2005</u> to the U.S. Patent and Trademark Office on this date: Septemper 27, 2005 Date. Signature LESLIE B WILSON (33,816)

Exhibit A

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Exhibit B

USPTO 9/27/2005 5:17 PM PAGE 17001 TO:Auto-reply fax to +1847905 13 COMPANY:

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LESLIE B. WILSON (847) 905-7111

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Exhibit C

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SEPTEMBER 27, 2005

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From.

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LESLIE B. WILSON Signalist SEPTEMBER 27, 2005 Date

APPLICATION NO	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO	CONFIRMATION NO
10:005 391	12/01/2001	Rudney Earl Norwood	7780-16 (P-00303)	6990

TITLE OF INVENTION MOBILE CELLULAR TELEPHONE TOWER

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Authorized Signitute	ZR	B 2/2	ham	Date	SEPTEMBER 27, 200	05
Typed or printed name _	LESLIE B. WILS	ON			No 33.816	

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LESLIE B WILSON SEPTEMBER 27, 2005 יטייטי

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10:005 341	12/05/2001	Rodney Earl Norwood	7780/16 (P-00303)	6990	

TITLE OF INVENTION MOBILE CELLULAR TELEPHONE TOWER

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